

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.)
)
JERRY EVERETT WHITE, SR.,)
)

Case No. 1:00-CR-73

JUDGE EDGAR

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on February 20, 2007, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision of Supervising U.S. Probation Officer David T. Croft. Those present for the hearing included:

- (1) AUSAs Robert Anderson and John MacCoon for the USA.
- (2) The supervised releasee, JERRY EVERETT WHITE, SR.
- (3) Attorneys Rita LaLumia and Mary Ellen Coleman of Federal Defender Services of Eastern Tennessee, Inc. for defendant.
- (4) U.S. Probation Office Anthony J. Green.
- (5) Deputy Clerk Russell Eslinger.
- (6) Court reporter Kay Davis.

After being sworn in due form of law, the supervised releasee was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Federal Defender Services of Eastern Tennessee, Inc. was appointed to represent the defendant. It was determined that defendant had been provided with and reviewed with counsel a copy of the Petition for a Warrant or Summons for an Offender Under Supervision.

The government moved the defendant be detained without bail pending his revocation hearing before U.S. District Judge R. Allan Edgar. Defendant waived his right to a preliminary hearing and requested a detention hearing which was held.

Detention Hearing Proof

AUSA John MacCoon called U.S. Probation Officer Green to testify as to the factual allegations set forth in the petition and he was cross-examined by Attorney Coleman. In addition, Attorney Coleman made a proffer including that defendant White's medical condition, medical appointments, chemotherapy treatments, and medical need for isolation based on his suppressed immune system could compromise defendant's health and his treatment plan and that the

environment of a detention facility would have a detrimental effect on defendant White's health. AUSA MacCoon stated that he spoke with U.S. Marshals Service Operations Supervisor Gary Mullins who stated defendant White's medical needs and treatment could be taken care of properly. AUSA MacCoon further stated that defendant had recently attended a concert with a large crowd thus defendant White's need to avoid crowds was questionable.

Findings

- (1) Based upon the petition and defendant's waiver of preliminary hearing, the undersigned finds there is probable cause to believe the defendant has committed violations of his conditions of supervised release as alleged in the petition.
- (2) The defendant has not carried his burden of demonstrating that, if released, he would not pose a danger to another person or to the community under Fed. R. Crim. P. 32.1(a)(6).

Conclusions

It is ORDERED:

- (1) The supervised releasee shall appear for a revocation hearing before U.S. District Judge Edgar.
- (2) The motion that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Edgar is GRANTED.
- (3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Edgar on **Wednesday, March 7, 2007 at 9:00 a.m.**

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE